

IV. REMARKS

Status of the Claims

Claims 4 and 10 are amended. Claims 1-12 are presented for further consideration.

The Office Action and Responsive Remarks

Claims 4 and 10 have been rewritten in independent form including all of the limitations of the claims from which they were dependent. These claims are now are in condition for allowance, according to the Examiner's statement of Allowable Subject Matter. Applicant submits that such amendments are properly entered under 37USC1.116 and accordingly, Examiner is requested to enter these amendments.

Applicant has considered the Examiner's comments set forth in the Office Action mailed September 24, 2007 and responds in detail below. Reconsideration of the application is respectfully requested in view of the following remarks.

Claims 1-3, 5-9, and 11-12 stand rejected under 35USC103(a) based on the combined teaching of the reference Horton, et al, U.S. Patent No. 5,241,587 in view of the cited reference Olafsson, et al, U.S. Patent No. 6,912,276. This rejection is traversed on the following grounds:

The combined teaching of Horton and Olafsson does not render claims 1-3, 5-9, and 11-12 obvious because it fails to teach or otherwise suggest each and every limitation of the claims. It is well settled that in order to establish a prima facie case for obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must

both be found in the prior art, without reference to the disclosure of this application. (MPEP Section 2142) ***In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP § 2143 - § 2143.03 for decisions pertinent to each of these criteria."**

In particular the combined teaching fails to disclose or suggest the claimed features of independent claim 1 as indicated below:

"activate and store a first packet data protocol context between the packet switched radio network and the mobile termination part for reception and transmission of packet-switched data;

activate a second packet data protocol context between the packet radio network and the mobile termination part to establish a dial-up connection of the terminal equipment part by a link between the terminal equipment part and the mobile terminal part or the terminal equipment part and the packet radio network,

release the active first packet data protocol context in response to said second packet data protocol context being activated, in order to minimize processor and memory loading and avoid expense,

release the dial-up connection;

release said second packet data protocol context in response to the dial-up connection being released, and

activate a third packet data protocol context, using said stored first context, in response to said second context being released."

Equivalent language is contained in independent claims 7 and 12.

In prior responses Applicant has distinguished the disclosure of the combined teaching according to the following:

1. The combined teaching describes a system of mechanical telephone switching involving relays and switches or circuit switching systems not a packet switched system. In response to this, the Examiner has cited a generic reference to "switching communications system" referring to Olaffson "disclosing telephone

switching system, see (column 1, lines 22-30). The cited excerpt from Olaffson is as follows:

"A conventional communication system typically establishes an Internet data session through a local and a remote ISP (Internet Service Provider) modem via a telephone switching network. Similarly, other modem to modem communication uses the telephone switching network as the communication link. Such modems often share a single telephone line with other local telephony devices, e.g., telephones, facsimile machines, answering machines, etc."

This excerpt does disclose or suggest a packet switched system as described in the claims of this application.

2. There is no mention of packet data protocols (PDP), nor is there any reference to activating packet data protocol contexts. Accordingly, there is no provision to activate and store a first data protocol context because none are used. A second data protocol is further superfluous. To this the Examiner responds:

"Olaffson discloses a telephone switching system supports for waiting calls feature; therefrom a remote modem and local modem communicatively coupled thereto. The local modem directs the remote modem on-hold as being temporarily removed in responsive to coming of "detected call waiting signal" which shares functionality with "second packet data protocol context" as claimed, see (column 2, lines 8-11, lines 30-34)

Applicant submits that the Examiner's characterization, according to the above, is not supported by the cited portion of Olaffson or any other portion of this disclosure. Such a characterization would not be obvious to a person skilled in the art.

3. The combined teaching involves the placing of a call on hold. This is not the same as releasing a connection. A held call maintains a connection at some level and the connected link is not useable. The held connection of the combined teaching survives, while the connection in the claims of this application

do not. In response to this issue the Examiner responds: "Horton clearly teaches 'disconnection the remote station modem'" which shares functionality with releasing a connection as claimed, see (abstract, lines 21-29, column 5, lines 1-5). A portion of the abstract is recited below, including that portion to which the Examiner refers:

"When a dial code that follows the telephone number of the remote station being called by the central station modem is detected, the central station modem is placed on hold. Thereafter, a transfer code, which may be the same as the dial code, is sent to the called remote station (13). In response, a switch (31) at the remote station (13) connects its telco line (18) to a port, determined by the nature of the dial code, and transmits an answer tone to the polling controller (31). When the answer tone is detected by the polling controller (31), the central station modem is taken off hold and allowed to communicate with the selected modem (35a, 35b, ...) of the remote station (13)."

The Examiner's reference to a disconnection is at the end of the link transaction, after which resumption of the link is no longer at issue. In reviewing the preceding portion of the abstract it becomes less clear, that the "disconnection" of Horton is the same as the "release" used in the system of this application. To the contrary, the abstract supports Applicant's assertion. The Examiner position is also unsupported by the disclosure in Olafsson. Olafsson states:

"The holding modem maintains the session by fooling the higher protocol layers, making them believe that the modem is not on hold. Three-way calling services are also used to free up the shared line for outgoing calls while maintaining the session with holding modems." (see also column 2 ,lines 28-43)

4. There is nothing in the cited references that would encourage a person skilled in the art to apply the combined teaching in a packet data switching system. Contrary to the Examiner's assertion, the use of the circuit switched system of the combined teaching would not render a modern digital system using packet data switching more efficient. The Examiner has failed to respond to this assertion.

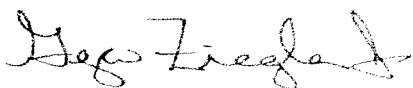
For all of the above reasons, Applicant submits that the Examiner has failed to present a prima facie case of obviousness. These grounds apply equally to the rejected dependent claims, all of which, by dependency, have the limitations described in the independent claims.

Applicant is pleased to note that Claims 4 and 10 are indicated to contain patentable subject matter and are submitted, rewritten in independent form.

For all of the above reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment of \$420 for two independent claims in excess of three and for any other fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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05 December 2007
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